

IN RE:  
JESUS CRUZ MERCED  
YOLANDA MICHELLE ESTRADA BENITEZ

DEBTOR (S)

CASE NO. 13-05220-BKT

CHAPTER 13

**AMENDED TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED POST CONFIRMATION PLAN MODIFICATION**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1329**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$8,138.00 R2016 STM. \$3,000.00**

**TOTAL ATTORNEYS FEES THRU PLAN: \$2,681.00 Fees paid: \$2,628.75 Fees Outstanding: \$52.25**

With respect to the proposed (amended) Plan dated: **2/2/2015** (Dkt 50). Plan Base: **\$18,120.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)] - The sufficiency of the plan base will depend on the outcome of the Motion for Authority to Obtain Credit filed by Debtors on 2/4/15 docket #52. Also, Debtors must submit amended schedules I and J to reflect new income and expenses including new car payment, if approved.

- Feasibility : Default in direct payments to a secured creditor, as provided in plan . [§1325(a)(6)] - As per 362 Motion filed by secured creditor BPPR docket #57, Debtor has allegedly incurred in post petition arrears .

- Feasibility [§1325(a)(6)]: There is/are no allowed claim(s) for creditor(s) dealt in the plan [FRBP RULE 3021] - **BPPR**, secured creditor provided for in the plan, is yet to file its proof of claim for post petition arrears regarding mortgage and auto loan . Said creditor will not participate from the disbursements regarding said arrears until it files its claim .

- Other/Comments - Also, Motion Requesting Authority to Obtain Credit filed on docket #52 has been denied . Debtors Reply to such objection and a hearing is pending on 5/13/15

Trustee objects the additional compensation for legal fees requested by debtor' (s'') counsel in the amount of \$500.00 until above matters are solved.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same .

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system .

In San Juan, Puerto Rico this March 05, 2015.

/s/ Jose R. Carrion

Jose R. Carrion -Chapter 13 Trustee  
PO Box 9023884, San Juan PR 00902  
Tel. 787-977-3535 Fax 787-977-3550

MS